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Attorneys for Plaintiff
 MITCHELL FRANCIS

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

MITCHELL FRANCIS,)	Case No. 04-02271 PJH-ARB
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING MEDIATION
vs.)	COMPLETION DATE
)	
LLOYD TRIESTINO DI NAVIGAZIONE,)	Date: September 30, 2005
S.P.A.)	Time: 9:00 a.m.
)	Judge: The Honorable Phyllis Hamilton
Defendant.)	

The Parties to the above-entitled action jointly submit this Stipulation and [Proposed] Order Continuing the Mediation Completion date of September 30, 2005 for approximately 30 days.

The Parties are in the process of completing discovery, and have scheduled an independent medical examination of Plaintiff MITCHELL FRANCIS ("Plaintiff") for September 15, 2005 with Dr. Alan Greenwald. Further, Defendant LLOYD TRIESTINO

DI NAVIGAZIONE, S.P.A. ("Lloyd Triestino") has requested additional wage information and documents from Plaintiff, which Plaintiff has agreed to provide on or before September 30, 2005.

However, the Parties also agree that they will not have adequate time to fully evaluate the independent medical examination report prior to the mediation, which is currently scheduled for September 20, 2005 at JAMS. Further, without the additional wage information, Lloyd Triestino does not expect that it will be in a position to fully evaluate the case for settlement for purposes at the mediation.

The trial date in this matter is currently set for May 22, 2006, and the Parties have rescheduled the mediation for October 20, 2005. The Parties anticipate that all discovery necessary for a meaningful mediation will be completed prior to that date.

Based on the foregoing, the Parties hereby stipulate and respectfully request that the mediation completion date scheduled for September 30, 2005, be continued for approximately 30 days.

IT IS SO STIPULATED.

DATED: September __, 2005

/s/ Darrell C. Martin

JOHN D. GIFFIN
DARRELL C. MARTIN
KEESAL, YOUNG & LOGAN
Attorneys for Defendant
LLOYD TRIESTINO DI NAVIGAZIONE
S.P.A.

DATED: September __, 2005

/s/ Cory A. Birnberg

CORY A. BIRNBERG
BIRNBERG & ASSOCIATES
Attorneys for Plaintiff
MITCHELL FRANCIS

PURSUANT TO STIPULATION IT IS ORDERED THAT:

The Mediation Completion Date scheduled for September 30, 2005, is
continued to NOVEMBER 4, 2005.

Date: September 13, 2005



THE HONORABLE PHYLLIS HAMILTON
UNITED STATES DISTRICT COURT JUDGE